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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/022,132	02/11/1998	JOHANNES F.M. D'ACHARD	PHN-16.219	5325
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PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER COBURN, CORBETT B	
			ART UNIT 3714	PAPER NUMBER
DATE MAILED: 02/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/022,132

Applicant(s)

D'ACHARD, JOHANNES F.M. 

Examiner

Corbett B. Coburn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1, 3, 4, 6, 8, 10, 12, 14, 15, 17 & 19 are rejected under 35 U.S.C. 102(b) as being anticipate by Sitrick (US Patent Number 4,521,014).

Claims 1, 6, 10: Sitrick teaches a method for operating a multi-player video game.

(Abstract) Each player of multiple players may interact with a gaming environment. The machine detects a score and/or performance of each player in a particular session of the video game. (Col 8, 18-22) Sitrick teaches backfeeding into the gaming environment a video image of all players, which would include the currently high-scoring player. The game displays the gaming environment, and the video image of the currently high-scoring player of the multiple players – all images are displayed. There is a camera (200) configured to provide the video image of each player. Sitrick teaches displaying the images of all users during the game. (Col 11, 40-51) This inherently includes the player with the highest score during the particular session of the video game. The game screen is a predefined field associated with the gaming environment that is configured to contain the video image of the currently high-scoring player.

Claims 3, 8, 12: Sitrick teaches that the video image of select players of the multiple players is selectively cross-wise fed back to the multiple players. (Col 1, 39-41) The

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performance of a function implies means for carrying out that function. Thus there is a cross-wise communication means.

Claims 4, 14: Sitrick teaches that the video image of select players of the multiple players is made part of a composite image with one or more selected items taken from memory. (Abstract)

Claims 15, 17, 19: Since the player image would be displayed throughout the game, the image of the currently high-scoring player must be persistently displayed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 7, & 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitrick (US Patent Number 4,521,014) in view of Breslow et al. (US Patent Number 4,710,873).

Claims 2, 7, 11: Sitrick teaches the invention substantially as claimed but does not teach ranking high-scoring players in respectively successive playing sessions, and providing a representation of one or more of the high-ranking players for display in subsequent playing sessions, based on the ranking. Breslow teaches ranking high-scoring players in respectively successive playing sessions, and providing a representation of one or more of the high-ranking players for display in subsequent playing sessions, based on the ranking. (Abstract) This is well known to increase player interest in the game by increasing player recognition. It would have been obvious to one of ordinary skill in the

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art at the time of the invention to have modified Sitrick in view of Breslow to rank high-scoring players in respectively successive playing sessions, and provide a representation of one or more of the high-ranking players for display in subsequent playing sessions, based on the ranking in order to increase player interest in the game by increasing player recognition. The performance of a function implies means for carrying out that function. Thus there is a ranking means and a control means.

5. Claims 9 & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitrick as applied to claim 1 or 12 above, and further in view of Weiss (US Patent Number 5,821,983) or Hogan et al. (US Patent Number 5,657,246).

Claims 9 & 13: Sitrick teaches the invention substantially as claimed, but do not teach allowing the player to suppress during the session a presentation of the actual score, performance and/or video image to the backfeeding. Applicant discloses that on page 2, lines 20-21 of the instant specification that the backfeeding feature could be accomplished or "realized" through "answering a system question by a keyboard command". Hogan achieves this function of "suppressing" information from others in a video conferencing system by sending data to some participants and excluding others by the entry of a command on the part of the user. Applicant has not provided any specific disclosure of how the suppression and backfeeding features are accomplished in a novel way. Further Weiss teaches the suppression of video image data (Weiss- col. 6, lines 30-55 and cal. 8, lines 52-56). A player's score/performance is merely data. Thus the system of Weiss could have been implemented in the Sitrick/Breslow system in order to suppress score/performance data as well. The suppression of information through the response of

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questions is well known in the art. For instance if a person wants to suppress information on a survey, advertisement request, etc. the person need only neglect to enter the information. This is true in video gaming as well, whereby the player can choose whether or not to enter his/her name or initials to be broadcast with their score. This protects the privacy of the player. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include the suppression feature of Hogan et al or Weiss in the invention of Sitrick in order to protect the privacy of the player.

6. Claim 16, 18 & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitrick as applied to claim 1, 6 or 10 above, and further in view of Meyer et al. (US Patent Number 4,508,353) and Breslow.

Claims 16, 18 & 20: Sitrick teaches the invention substantially as claimed but does not teach that the predefined field is located in a prominent location relative to the gaming environment. Meyer teaches displaying the high score in a prominent location relative to the gaming environment (i.e., in a separate area atop the gaming environment). (Col 3, 65 – Col 4, 4) This is analogous to displaying the image of the current high-scorer and provides useful information to the player. Breslow teaches displaying a picture of the high scorers along with their score. (Fig 4e) This increases player interest in the game by providing greater player recognition. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Sitrick in view of Meyer and Breslow to have the predefined field is located in a prominent location relative to the gaming environment in order to provide useful information to the player while increasing player interest in the game by providing greater player recognition.

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Response to Arguments

7. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Harrison can be reached on (571)272-4449. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


cbc
JESSICA HARRISON
PRIMARY EXAMINER